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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO
EXCLUDE TESTIMONY AND
OPINIONS OF WAYMO'S
DAMAGES EXPERT MICHAEL J.
WAGNER**

1 Having considered all of the papers filed in connection with Defendants' Motion to
2 Exclude Testimony and Opinions of Waymo's Damages Expert Michael J. Wagner, the Court
3 finds that Mr. Wagner's testimony and opinions are unreliable under Federal Rule of Evidence
4 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and its progeny.

5 IT IS THEREFORE ORDERED that Defendants' Motion to Exclude Testimony and
6 Opinions of Waymo's Damages Expert Michael J. Wagner is GRANTED.

7 **IT IS SO ORDERED.**

8
9 Dated: _____, 2017

10 _____
HONORABLE WILLIAM ALSUP
United States District Court Judge